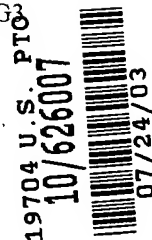


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Ginsburg , et al. )  
 )  
 Serial No.: To Be Determined )  
 )  
 Filed: Herewith, July 22, 2003 )  
 )  
 For: Method and Apparatus for Regional )  
 and Whole Body Temperature )  
Modification

Art Unit: To Be Determined  
 Examiner: To Be Determined



**Transmittal of a Divisional Utility Patent Application**

Express Mail mailing label no. EV330332194US

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for filing is the continuation utility patent application for " Method and Apparatus for Regional and Whole Body Temperature Modification".

- ☒ The applicant(s) hereby request(s) the filing of the continuation patent application under 37 CFR §1.53(b) corresponding to application Serial No. 09/138,830 filed on August 24, 1998, which is continuation-in-part application of Serial No. 08/584,013 filed on January 11, 1996 issued as U.S. Patent No. 5,837,003 on November 17, 1998, which is a continuation-in-part application of Serial No. 08/324,853 filed on October 18, 1994 issued as U.S. Patent No. 5,486,208 on January 23, 1996, which was a continuation application of Serial No. 08/015,774 filed on February 10, 1993, now abandoned; and of Serial No. 08/769,931 filed on December 19, 1996. No amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.
- ☒ A true copy of the following are enclosed:
  - ☒ the prior application as filed, including all 104 pages of specifications (including 74 pages of written description; 29 pages of claims (Claims 1-94), 1 page of Abstract) and 20 sheets of drawings; and

- ☒ the declaration of inventorship showing the signatures or an indication it was signed.
- ☐ Applicant hereby requests that the above-referenced patent application, filed concurrently herewith, **NOT BE PUBLISHED** under 35 U.S.C. §122(b). In making this request, applicants certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at 18 months after filing.
- ☐ Please delete the names of the following persons who are not inventors of the invention being claimed in this divisional application:
- ☒ Please amend the specification after the granting of a filing date herein by inserting before the first line the sentence: --This is a corresponding to application Serial No. 09/138,830 filed on August 24, 1998, which is continuation-in-part application of Serial No. 08/584,013 filed on January 11, 1996 issued as U.S. Patent No. 5,837,003 on November 17, 1998, which is a continuation-in-part application of Serial No. 08/324,853 filed on October 18, 1994 issued as U.S. Patent No. 5,486,208 on January 23, 1996, which was a continuation application of Serial No. 08/015,774 filed on February 10, 1993, now abandoned; and of Serial No. 08/769,931 filed on December 19, 1996 --.
- ☒ **Preliminary Amendment: Please amend the application by canceling claims 1 - 49.**
- ☒ Check No. 3109 covering the filing fee in the amount of \$642.00 accompanies this application, calculated as follows:

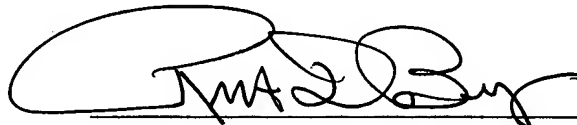
For	(Col. 1) (Col. 2)		Small entity		Other than a		
	No. Filed	No. extra	Rate	Fee	Small entity	Rate	Fee
Basic fee				\$ 375	Or		\$
Total claims	45	- 20 =	25	x 9 \$ 225	Or	x 18	\$
Indep claims	4	- 3 =	1	x 42 \$ 42	Or	x 78	\$
Multiple dependent claims presented			0	\$	Or	0	\$
Total				\$ 642	Or	Total	\$

- ☒ An Assignment of the invention to Radiant Medical Inc. was previously recorded on April 1, 1999 on Real / Frame: 9876/0120.
- ☐ A Statement of Ownership and Power of Attorney.
- ☒ The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878.

- ☒ Twenty (20) Sheets of Formal drawings are enclosed.
- ☒ The undersigned is the Applicant's attorney of record in the prior application, and all future communications should be addressed to the undersigned at the new address shown here-below.
- ☐ The statement(s) of Small Entity Status filed in the prior application is no longer proper and is hereby withdrawn.
- ☒ An information disclosure statement is enclosed.

STOUT, UXA, BUYAN & MULLINS, LLP

Date: July 23, 2003

  
Robert D. Buyan, Reg. No. 32,460

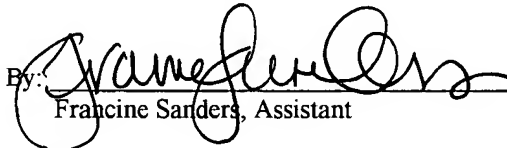
4 Venture, Suite #310  
Irvine, CA 92618  
Telephone: (949) 450-1750 ext. 213  
Facsimile: (949) 450-1764

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CERTIFICATE OF MAILING

I hereby certify that this Transmittal letter, the above-identified documents and papers, and a return postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on July 23, 2003 and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 23, 2003

By:   
Francine Sanders, Assistant

Express Mail mailing label no.: EV330332194US